

Adopted	Rejected
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COMMITTEE REPORT

YES:	11
NO:	0

MR. SPEAKER:

*Your Committee on Roads and Transportation, to which was referred House Bill 1284, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 9-13-2-92 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 92. (a) "Law
- 4 enforcement officer", except as provided in subsection (b), includes the
- 5 following:
- 6 (1) A state police officer.
- 7 (2) A city, town, or county police officer.
- 8 (3) A sheriff.
- 9 (4) A county coroner.
- 10 (5) A conservation officer.
- 11 (b) "Law enforcement officer", for purposes of **IC 9-21-3-7.5**,
- 12 IC 9-30-5, IC 9-30-6, IC 9-30-7, IC 9-30-8, and IC 9-30-9, has the
- 13 meaning set forth in IC 35-41-1.

SECTION 2. IC 9-13-2-99.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 99.7. "Medical, firefighting, or law enforcement emergency", for purposes of IC 9-21-3, has the meaning set forth in IC 9-21-3-7.5.**

SECTION 3. IC 9-13-2-111.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 111.5. "Nongovernmental entity", for purposes of IC 9-21-3, has the meaning set forth in IC 9-21-3-7.5.**

SECTION 4. IC 9-13-2-117.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 117.3. "OPED", for purposes of IC 9-21-3, has the meaning set forth in IC 9-21-3-7.5.**

SECTION 5. IC 9-13-2-128 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 128. (a) Except as provided in subsection (b), "political subdivision" means a county, a township, a city, a town, a public school corporation, or any other subdivision of the state recognized in any law, including any special taxing district or entity and any public improvement district authority or entity authorized to levy taxes or assessments.**

(b) "Political subdivision", for purposes of IC 9-21-3-7.5, means the following:

(1) A unit.

(2) A township.

(3) A school corporation (as defined in IC 36-1-2-17).

(4) A local hospital authority (as defined in IC 5-1-4-3).

(5) A local airport authority (as defined in IC 8-22-3-1).

(6) A public transportation corporation established under IC 36-9-4-10.

SECTION 6. IC 9-13-2-144.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 144.2. "Public safety officer", for purposes of IC 9-21-3, has the meaning set forth in IC 9-21-3-7.5.**

SECTION 7. IC 9-13-2-192 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 192. "Unit", for purposes of section 128 of this chapter and IC 9-21-18, has the**

1 meaning set forth in IC 9-21-18-3.

2 SECTION 8. IC 9-21-3-7.5 IS ADDED TO THE INDIANA CODE
3 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
4 1, 2004]: **Sec. 7.5. (a) As used in this section, "medical,**
5 **firefighting, or law enforcement emergency" means the following:**

6 (1) **A medical condition that requires immediate medical**
7 **attention.**

8 (2) **The occurrence of an event or the expected occurrence of**
9 **an event that presumably requires immediate firefighting,**
10 **medical, or law enforcement attention.**

11 (3) **The commission or the alleged commission of a criminal**
12 **act that requires immediate intervention or investigation by**
13 **a law enforcement officer.**

14 (b) **As used in this section, "nongovernmental entity" means**
15 **a person or legal entity that is not:**

16 (1) **the state; or**

17 (2) **a political subdivision.**

18 (c) **As used in this section, "OPED" means a optical preemption**
19 **emitter device that:**

20 (1) **emits a visible or nonvisible light source or an electronic**
21 **signal; and**

22 (2) **is intended to be used to alter the movement of traffic by**
23 **changing the sequence or interval on a traffic control signal.**

24 (d) **As used in this section, "public safety officer" means a:**

25 (1) **law enforcement officer;**

26 (2) **certified paramedic;**

27 (3) **certified emergency medical technician;**

28 (4) **certified medical service driver;**

29 (5) **certified medical service first responder;**

30 (6) **member of a fire department (as defined in IC 36-8-1-8);**

31 **or**

32 (7) **volunteer firefighter (as defined in IC 36-8-12-2).**

33 (e) **An individual may not knowingly or intentionally use an**
34 **OPED to change the light sequence or interval of a traffic control**
35 **signal, unless the individual is:**

1 **(1) a public safety officer who is:**

2 **(A) a passenger in or operating an authorized emergency**
3 **vehicle; and**

4 **(B) responding and in direct route to a medical,**
5 **firefighting, or law enforcement emergency;**

6 **(2) an authorized traffic control technician who is:**

7 **(A) installing a preemptive device; or**

8 **(B) testing or repairing a malfunctioning preemption**
9 **device; or**

10 **(3) an employee of a public transportation corporation who is**
11 **operating:**

12 **(A) an official public transportation motor vehicle; and**

13 **(B) on a scheduled route.**

14 **(f) A person may not knowingly or intentionally sell or offer for**
15 **sale an OPED to a nongovernmental entity.**

16 SECTION 9. IC 9-21-3-11 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 11. **(a)** A person who
18 violates section 7, 8, 9, or 10 of this chapter commits a Class C
19 infraction.

20 **(b) A person that knowingly or intentionally violates section**
21 **7.5(e) or 7.5(f) of this chapter commits a Class A misdemeanor.**

1 SECTION 10. [EFFECTIVE JULY 1, 2004] **IC 9-21-3-7.5, as**
2 **added by this act, applies only to offenses committed after June**
3 **30, 2004.**

4 Renumber all SECTIONS consecutively.
 (Reference is to HB 1284 as introduced.)

and when so amended that said bill do pass.

Representative Reske